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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,962	07/06/2001	Ali N. Saleh	CIS0122US	4375

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CAMPBELL STEPHENSON ASCOLESE, LLP  
4807 SPICEWOOD SPRINGS RD.  
BLDG. 4, SUITE 201  
AUSTIN, TX 78759

EXAMINER	
TRAN, NGHI V	

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
07/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/899,962

Applicant(s)

SALEH ET AL.

Examiner

Nghi V. Tran

Art Unit

2151

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Valencia Martin Walker*  
SPE ART UNIT 2151

Continuation of 11. does NOT place the application in condition for allowance because:

The Applicant's argument filed June 11, 2007 have been fully considered but they are not persuasive because of the following reasons:

In response to applicant's arguments that Iwata, Houji, and Ebata fail to disclose an inter-zone link that meets class of service requirements between a source zone and a destination zone. The examiner respectfully does not agree because Ebata suggests or discloses where the inter-zone link [= inter-organization link] meets class of service requirements [= QoS control] between the source zone and the destination zone [col.7, ll.1-63, col.17, ll.37-58, and col.18, ll.17-21].

In response to applicant's argument that the cited portions of the references fail to disclose a pre-planned alternative route that also meets the class of service requirements between the source zone and the destination zone, the examiner respectfully disagrees because Houji suggests or discloses wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone [see abstract, figs.1-2, and col.2, ll.46-col.4, ll.38].

In response to applicant's arguments that the cited portion of the references fail to disclose identifying an inter-zone link failure and identifying an intra-zone failure, the examiner respectfully disagrees because Iwata teaches identifying an inter-zone link failure [col.10, ll.66 - col.11, ll.27 and col.12, ll.40-62]. Iwata further teaches identifying an intra-zone failure [= automated failure restoration function in both inter-zone link (i.e. connecting border node A & border node B) and intra-zone link (i.e. within peer group), see figs.16-17].

In response to applicant's argument that the cited portions of the references fail to disclose a source zone and a destination zone that execute separate copies of a topology distribution algorithm, the examiner respectfully disagrees because Iwata teaches a source zone and a destination zone that execute separate copies of a topology distribution algorithm [= separate and/or different subnet may have separate topology [fig.17].

In response to applicant's arguments that the final office action fails to establish a motivation for the proposed combination, the examiner respectfully disagrees because applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown in the above. Further, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ll.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Iwata in view of Houji in order to select one of the alternate virtual paths according to the priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, ll.23-25].